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2 Federal Defender  
3 DENNIS S. WAKS, Bar #142581  
Supervising Assistant Federal Defender  
3 801 I Street, 3rd Floor  
Sacramento, California 95814  
4 Telephone: (916) 498-5700

5 Attorney for Defendant  
6 DANIEL WALLACE SMITH

7  
8 IN THE UNITED STATES DISTRICT COURT  
9  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) NO. CR.S. 04-0366-WBS  
11 )  
12 Plaintiff, )  
13 v. ) **STIPULATION AND ORDER RE**  
14 ) **CONTINUANCE OF STATUS HEARING AND**  
15 ) **FINDINGS OF EXCLUDABLE TIME**  
16 )  
17 ) DATE: October 19, 2005  
18 ) TIME: 9:00 a.m.  
19 ) JUDGE: Hon. William B. Shubb  
20 )  
21 )

22 DANIEL WALLACE SMITH, by and through his counsel, DENNIS S.  
23 WAKS, Supervising Assistant Federal Defender, defendant SHERYL DAVIS by  
24 and through her counsel, C. EMMETT MAHLE, and the United States  
25 Government, by and through its counsel, ROBIN R. TAYLOR, Assistant  
United States Attorney, hereby agree that the status conference set for  
September 7, 2005 be continued to October 19, 2005 at 9:00 a.m. This  
continuance is requested because the Federal Defenders Office was  
recently appointed to this case and has received over 1200 pages of  
discovery which will require additional time to review. The defendants  
in this case consent to this continuance.

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27 Accordingly, all counsel, along with Mr. Smith and Ms. Davis  
28 agree that the time from September 7, 2005 through October 19, 2005

1 should be excluded in computing the time within which trial must  
2 commence under the Speedy Trial Act, §3161(h)(8)(B)(iv) and Local Code  
3 T4. [reasonable time to prepare].

4 DATED: August 31, 2005

5 Respectfully submitted,

6 QUIN DENVIR  
7 Federal Defender

8 /S/ Dennis S. Waks

9 DENNIS S. WAKS  
10 Supervising Assistant Federal Defender  
Attorney for Defendant  
DANIEL WALLACE SMITH

11 DATED: August 31, 2005

12 /S/ Dennis S. Waks for

13 EMMETT MAHLE, Esq.  
14 Attorney for Defendant  
15 SHERYL DAVIS

16 McGREGOR SCOTT  
17 United States Attorney

18 DATE: August 31, 2005

19 /S/ Dennis S. Waks for

20 ROBIN R. TAYLOR  
21 Assistant United States Attorney

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7 IN THE UNITED STATES DISTRICT COURT  
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FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 UNITED STATES OF AMERICA, ) NO. CR.S. 04-0366-WBS  
11 )  
12 Plaintiff, )  
13 v. ) **ORDER RE CONTINUANCE OF STATUS**  
14 ) **HEARING AND FINDINGS OF**  
15 ) **EXCLUDABLE TIME**  
16 ) DATE: October 19, 2005  
17 ) TIME: 9:00 a.m.  
18 ) JUDGE: Hon. William B. Shubb  
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18 **ORDER AND FINDINGS**  
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20 The new status conference is set for October 19, 2005 at 9:00  
21 a.m. The court finds that the interests of justice are best served and  
22 the public interest is protected by granting the continuance in the  
23 above-captioned matter. Accordingly, time under the Speedy Trial Act  
24 is excluded from September 7, 2005, through October 19, 2005, in  
25 computing the time within which trial must commence under the Speedy

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1 Trial Act, pursuant to Title 18 U.S.C. § 3161(h)(8)(B)(iv) and Local  
2 Code T4. (reasonable time to prepare.)

3 DATED: August 31, 2005

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6 WILLIAM B. SHUBB  
7 UNITED STATES DISTRICT JUDGE

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